

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL COUNSELOR SECTION  
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING  
AND SOCIAL WORK EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
BRAD W. KNAPP, L.P.C., : LS0904143CPC  
RESPONDENT. :

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[Division of Enforcement Case # 08 CPC 023]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Brad W. Knapp, L.P.C.  
6649 W. Thornapple Drive  
Janesville, WI 53548

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
PO Box 8935  
Madison, WI 53708-8935

Professional Counselor Section  
Marriage and Family Therapy, Professional Counseling  
and Social Work Examining Board  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision in this matter subject to the approval of the Section. The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Brad W. Knapp, L.P.C., Respondent, date of birth September 8, 1959, is licensed by the Professional Counselor Section as a professional counselor in the state of Wisconsin, pursuant to license number 3881, which was first granted April 2, 2007.

2. Respondent's last address reported to the Department of Regulation and Licensing is 6649 W. Thornapple Drive, Janesville, WI 53548.

3. From December 9, 2005 until his employment was terminated on October 27, 2008, Respondent was employed as a psychotherapist and substance abuse counselor providing individual and group psychotherapy and counseling at Crossroads Counseling Center in Janesville, Wisconsin. Respondent was also certified as an Advanced Practice Social Worker, until June 30, 2007 when he allowed his certification to lapse and has been certified as a Substance Abuse Counselor in-Training since October 11, 2006.

4. From April 4, 2007 to May 20, 2008, Respondent provided individual psychotherapy and counseling to Ms. /

approximately twice a month for issues related to depression, alcohol abuse and marital problems/divorce.

5. During the course of treatment, Respondent and Ms. A developed a personal relationship and began e-mailing each other extensively. In April 2008, Ms. A invited Respondent to visit her at her place of employment. Respondent and Ms. A continued to communicate via e-mail, telephone calls and in person regarding personal matters.

6. Ms. A discontinued treatment after losing her insurance coverage and the last session was May 20, 2007. Respondent and Ms. A engaged in sexual intercourse on May 27, 2008 and on two other occasions over the next couple of months.

7. In October 2008, Ms. A reported to Crossroads that Respondent had a sexual relationship with her. On October 8, 2008, Respondent was placed on administrative leave pending investigation and Respondent's employment was terminated on October 27, 2008.

8. Respondent admitted that he engaged in sexual conduct with Ms. A shortly after her last treatment session and expressed regret regarding his actions. Respondent entered psychotherapy at Midwest Center for Psychotherapy and Sex Therapy. Respondent has not worked in the mental health field since his employment was terminated at Crossroads.

### CONCLUSIONS OF LAW

1. The Professional Counselor Section of the Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 457.26(2) and has authority to enter into this stipulated resolution pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in sexual conduct with a client within two years of termination of professional services, has committed unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(11), and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The license of Brad W. Knapp, L.P.C., Respondent, as a professional counselor in the state of Wisconsin is hereby SUSPENDED for an indefinite period of time to be no less than eighteen months.

2. Respondent may petition the Professional Counselor Section for the termination of the suspension, after eighteen months, under the following terms and conditions:

a. Respondent shall have, at Respondent's own expense, undergone an assessment by a mental health care provider experienced in professionals who have become involved sexually with clients.

b. The practitioner performing the assessment must not have treated Respondent and shall have been approved by the Section, with an opportunity for the Division of Enforcement to make its recommendation, prior to the evaluation being performed.

c. Respondent must provide proof sufficient to the Section that Respondent is able to practice with reasonable skill and safety of clients and public and does not suffer from any condition which prevents him from practicing in that manner.

d. If the Section determines to end the suspension, Respondent's license shall be limited in a manner to address any concerns the Section has as a result of the conduct set out in the findings of fact and to address any recommendations resulting from the assessment, including, but not limited to:

1) Psychotherapy, at Respondent's expense, by a therapist approved by the Section, to address specific treatment goals, with periodic reports to the Section by the therapist.

2) Additional professional education in any identified areas of deficiency.

3) Restrictions on the nature of practice or practice setting or requirements for supervision of practice, by a professional approved by the Section, with periodic reports to the Section by the

supervisor.

e. Respondent shall have paid the costs of these proceedings in the amount of \$465.00 to the Department of Regulation and Licensing, pursuant to Wis. Stat. § 440.22(2).

3. If Respondent believes that the Section's refusal to end the suspension is inappropriate or that any limitation imposed or maintained by the Section is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. §227.01(3)(a) in which the burden shall be on Respondent to show that the Section's decision is arbitrary or capricious. The suspension or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

4. All requests, notifications and payment shall be mailed, faxed or delivered to:

Department Monitor  
Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Telephone (608) 267-3817  
Fax (608) 266-2264

5. Violation of any term or condition of this Order, or of any limitation imposed under paragraph 2d above, may constitute grounds for revocation of Respondent's license as a professional counselor in Wisconsin. Should the Section determine that there is probable cause to believe that Respondent has violated the terms of this Order, or any limitation imposed under paragraph 2d above, the Section may order that Respondent's license be summarily suspended pending investigation and hearing on the alleged violation.

6. This Order is effective on the date of its signing.

Professional Counselor Section  
Wisconsin Marriage and Family Therapy,  
Professional Counseling and Social Work Examining Board

By: Leslie Mirkin  
A Member of the Section

4/14/09  
Date

STATE OF WISCONSIN  
BEFORE THE PROFESSIONAL COUNSELOR SECTION  
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING  
AND SOCIAL WORK EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : STIPULATION  
BRAD W. KNAPP, L.P.C., : LS \_\_\_\_\_ CPC  
RESPONDENT. :

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[Division of Enforcement Case # 08 CPC 023]

It is hereby stipulated and agreed, by and between Brad W. Knapp, L.P.C., Respondent; Kevin F. Milliken of Relles, Long & Milliken, L.L.P., attorneys for Respondent; and John R. Zwiieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent's licensure by the Division of Enforcement. Respondent consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Section. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Section's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Section, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Section, the parties agree not to contend that the Section has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. Attached to this Stipulation are Respondent's current wall and wallet registration certificates. If the Section accepts the Stipulation, Respondent's license shall be reissued at the time the suspension is terminated in accordance with the terms of the attached Final Decision and Order. If the Section does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Section's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Section ever assigned as a case advisor in this investigation may appear before the Section in open or closed session, without the presence of Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Section may have in connection with the Section's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Section should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Section adopt this Stipulation, the Section's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

9. The Division of Enforcement joins Respondent in recommending the Section adopt this Stipulation and issue the attached Final Decision and Order.

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Brad W. Knapp, L.P.C.  
Respondent  
6649 W. Thornapple Drive  
Janesville, WI 53548

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Date

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Kevin F. Milliken  
Relles, Long & Milliken, L.L.P.  
Attorneys for Respondent  
301 N. Broom Street  
Madison, WI 53703-5216

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Date

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John R. Zwieg  
Attorney for Complainant  
Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708-8935

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Date